



Entered on Docket
July 24, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION TO
CLAIMS ASSERTING PRIORITY
STATUS RE CLAIM 1279 OF LERIN
HILLS**

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is USACM Liquidating Trust's Second Omnibus Objection to Claims Asserting Priority Status Re Claim 1279 of Lerin Hills (the "Second Omnibus Objection") [DE 3259]. The parties filed a stipulation with the Court asking that it sustain the Second Omnibus Objection as it relates to Lerin Hills' unsecured nonpriority claim in the amount of \$797,175.62 (Proof of Claim No. 10725-01279). [DE 6528] Upon the stipulation of the parties and good cause appearing,

IT IS ORDERED:

- The Second Omnibus Objection as it relates to Proof of Claim No. 10725-01279 is sustained;
- The priority claim in the amount of \$797,175.62 made by Lerin Hills in Proof of Claim No. 10725-01279 is reclassified as an unsecured nonpriority claim and subject to the objection of the USACM Trust already on file at DE3080;
- The unsecured claim in the amount of \$1,257,233.40 made by Lerin Hills in Proof of Claim No. 10725-01279 is not affected by this order and remains subject to objection by the USACM Trust [DE 3080]; and
- The hearing on the Second Omnibus Objection scheduled for July 24, 2008 at 9:30 a.m. is vacated.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

Ty E. Kehoe (Approved)
Attorney for Lerin Hills

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust